

## Message Text

PAGE 01 STATE 193791

66

ORIGIN EB-07

INFO OCT-01 IO-10 ISO-00 COME-00 OES-03 CIAE-00 INR-07

NSAE-00 OIC-02 SSO-00 INRE-00 /030 R

DRAFTED BY EB/GSB/BP:WLOCKWOOD:LPP

APPROVED BY EB/OT/GCP:SAHMAD

PATENT OFF.:DHOINKES(SUBS)

PATENT OFF.:MHARTMANN(SUBS)

IO/CMD - BSTOKES

EB/ORF - JKATZ

----- 073850

O 150216Z AUG 75

FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

LIMITED OFFICIAL USE STATE 193791

E.O. 11652:N/A

TAGS:ETRD, UNCTAD

SUBJECT:UNCTAD: AGENDA FOR UNCTAD IV: TRANSFER OF  
TECHNOLOGY

1. G-77 LANGUAGE ON TRANSFER OF TECHNOLOGY (PARA 2 REFTTEL)  
IS UNACCEPTABLE AND SHOULD BE OPPOSED (I.E. VOTE NO) BY  
USDEL ON FOLLOWING GROUNDS:

(A) DECISION ON CODE OF CONDUCT AT UNCTAD IV IS PREMATURE  
SINCE IT IS HIGHLY UNLIKELY THAT CODE WILL BE DEVELOPED  
AND AGREED UPON TO THE POINT OF TAKING DECISIONS.

(B) DECISIONS ON MODALITIES FOR ESTABLISHMENT OF A CODE  
SUGGEST THE CREATION OF UNCTAD MACHINERY FOR ENFORCING A  
LEGALLY BINDING INSTRUMENT. THE US IS FIRMLY OPPOSED TO  
THIS CONCEPT. IN THIS AREA DECISIONS ARE NOT ONLY  
PREMATURE BUT GO WELL BEYOND WHAT WE COULD ACCEPT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 193791

(C) QTE MODALITIES FOR REVISION OF THE PATENT SYSTEM UNQTE  
IS UNACCEPTABLE. THIS IMPLIES AN UNCTAD ROLE IN  
DETERMINING HOW THE PATENT SYSTEM (WHICH CAN ONLY REFER TO  
THE PARIS CONVENTION FOR PROTECTION OF INDUSTRIAL PROPERTY)

SHALL BE REVISED. THIS CLEARLY GOES BEYOND THE COMPETENCE

OF UNCTAD. THE US STRENUOUSLY OPPOSES THIS PROPOSITION  
(SEE STATE 188108 AND POSITION PAPER FOR ARGUMENTS TO  
SUPPORT THIS POSITION).

2. GROUP B LANGUAGE ON TRANSFER OF TECHNOLOGY (PARA 3  
REFTEL) IS ACCEPTABLE WITH FOLLOWING EXCEPTION:

(A) MEASURES TO FACILITATE THE PROCESS OF TRANSFER OF  
TECHNOLOGY THROUGH PATENTS SHOULD BE AMENDED TO READ  
QTE MEASURES COMPLEMENTING EFFORTS OF THE INTERNATIONAL  
COMMUNITY TO FACILITATE THE PROCESS OF TRANSFER OF  
TECHNOLOGY THROUGH PATENTS END QTE. THE ADDED PHRASE IS  
NECESSARY TO PROVIDE UNCTAD RECOGNITION OF THE ROLE OF  
OTHER ORGANIZATIONS (NAMELY WIPO) IN THIS FIELD. WE  
THEREBY PRECLUDE INTERPRETATION OF THIS PROVISION TO MEAN  
THAT UNCTAD SHALL EXERT OVERALL COMPETENCY IN THIS FIELD.  
USDEL SHOULD OPPOSE THIS PROVISION WITHOUT INCLUSION OF  
ADDED LANGUAGE.

3. THE FOLLOWING COMMENTS PERTAIN TO QTE SUB-ITEMS UNQTE  
UNDER PARAGRAPH 6 OF REFTEL:

(A) USDEL SHOULD FIRMLY OPPOSE LANGUAGE PUT FORWARD BY  
CANADA AND JAPAN. IT IS ALMOST IDENTICAL TO G-77  
LANGUAGE.

(B) SWISS LANGUAGE WITH US MODIFICATION IN PARENTHESES.  
WE DO NOT SEE THAT THIS RATHER CONFUSING LANGUAGE ADDS  
ANYTHING TO BASIC GROUP B LANGUAGE DISCUSSED IN PARA 2  
ABOVE. BOTH SWISS AND US VERSIONS REFER TO REVISION OF  
THE INTERNATIONAL PATENT SYSTEM, LEAVING IT EXTREMELY  
UNCLEAR AS TO WHO HAS COMPETENCY IN THIS AREA. IN ANY  
EVENT, REVISION OF THAT SYSTEM (READ AGAIN PARIS CON-  
VENTION), WHICH IS WIPO'S RESPONSIBILITY, IS NOT SOMETHING  
LIMITED OFFICIAL USE  
LIMITED OFFICIAL USE

PAGE 03 STATE 193791

TO WHICH WE WANT TO MAKE ANY COMMITMENTS ABOUT AT UNCTAD  
IV. THEREFORE, USDEL SHOULD OPPOSE INCLUSION OF THIS  
LANGUAGE IN QTE SUB-ITEMS UNQTE. GOING BEYOND THAT, US  
PROPOSAL IN PARENTHESES IS BASED ON JULY 1974 RESOLUTION.  
IT SHOULD BE KEPT IN MIND THAT GROUP B ABSTAINED ON THIS  
AND THUS IS NOT BOUND BY IT. MOREOVER, 1974 RESOLUTION  
AS QUOTED IS ONLY HALF THE PICTURE. THE OTHER HALF STATES  
THAT WIPO IS THE COMPETENT BODY FOR LEGAL AND TECHNICAL  
MATTERS RELATED TO THE PATENT SYSTEM. THUS, USDEL SHOULD  
OPPOSE INCLUSION OF THIS QTE SUB-ITEM UNQTE LANGUAGE ON  
BASIS THAT IT IS REDUNDANT TO MAIN AGENDA ITEMS, AND THAT  
IT CONTAINS OBJECTIONABLE FEATURES. KISSINGER

LIMITED OFFICIAL USE

<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 26 AUG 1999  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MEETING AGENDA, TECHNOLOGICAL EXCHANGES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 AUG 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** RowellE0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE193791  
**Document Source:** ADS  
**Document Unique ID:** 00  
**Drafter:** EB/GSB/BP:WLOCKWOOD:LPP  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** n/a  
**Film Number:** D750281-1209  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t197508100/baaaascd.tel  
**Line Count:** 110  
**Locator:** TEXT ON-LINE, TEXT ON MICROFILM  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** ONLY  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** ONLY  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** RowellE0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 22 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <22 MAY 2003 by ShawDG>; APPROVED <06 OCT 2003 by RowellE0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** n/a  
**TAGS:** ETRD, US, UNCTAD  
**To:** GENEVA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006